

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: November 18, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies-arrived at 9:10, Allan Loiselle,
Dini Healy-Coffin, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Audience Members

Open Forum

Veronica Whitehouse, Chairman of the 40B Performance Standards Committee, requested that the Board officially appoint to the Committee the members representing the Board of Selectmen. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Jefferies), to appoint Bob Jefferies and Jim Silva to the Performance Standards Committee as Board of Selectmen representatives.** Whitehouse will provide to the Board a full list of committee members for appointment as soon as possible.

Public Hearing, A Continuation of the Public Hearing on the Expansion of the Class II Used Car Dealer License, Westford Auto Sales, 341 Littleton Road

Attorney Douglas Deschenes and Reginald Clair, President of Westford Auto Sales, Inc., were present. Deschenes outlined the revised plans, dated November 11, 2003, pursuant to meetings with and comments provided by the Planning Board, the Town Planner, and the Fire Prevention Officer. The plan showed 37 parking spaces for employees/customers and 102 spaces for car inventory, for a total of 139 spaces. Deschenes pointed out the location of the spaces that have been removed to increase safety and the location of curbing, sidewalks and/or wheel stops. Hoods have also been added to the lighting on

the site. Deschenes stated that parking for the customers and employees will be clearly identified. Deschenes referenced an undated letter from Donald Parsons, Fire Prevention Officer, indicating that he was satisfied with the revised plans. Deschenes also referenced a letter from the Planning Board dated November 5, 2003. Healy-Coffin asked that parking spaces numbered 75, 76, 81, 82, 83 and 84 be designated as employee parking so that there will be no overnight parking in those spaces. Deschenes and Clair agreed. This revision made the total inventory 96 spaces. Loisel was concerned that the 99 Restaurant on Littleton Road may be using the site for overflow parking on the weekends. Loisel cited lighting and safety concerns. Clair stated that occasionally customers of the 99 Restaurant will look at the cars for sale while waiting for a table. Loisel suggested that some type of signage be installed restricting the parking. There was no input from the floor.

It was moved by Silva, seconded by Loisel, and VOTED 4 IN FAVOR WITH 1 ABSENT (Jefferies), to close the public hearing.

It was moved by Loisel, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Jefferies), to approve the application of Westford Auto Sales, Inc. according to the plan dated November 11, 2003 with the revisions agreed to tonight which are to remove inventory spaces numbers 75, 76, 81, 82, 83 and 84 and to make those spaces for employees/customers for a total of 96 vehicles allowed on the premises.

Deschenes stated that he will submit to the Board a revised plan and a dated Fire Department letter.

Update on Rome Drive

Romeo stated that residents of Rome Drive have requested assistance from the Selectmen regarding winter maintenance. Ledoux reported that it appears that the developer for Rome Drive is moving toward filing bankruptcy. Ledoux further reported that the road is incomplete and there is outstanding bond money. Ledoux referenced a letter from Gary Brackett, Town Counsel, based upon a conference call between Brackett, Ledoux and Richard Barrett, Highway Superintendent.

Brackett wrote that Mass General Laws Ch. 40, §6C and 6D provide a process by which a municipality may appropriate funds for snow removal on private ways. The Town of Westford accepted this statute by the required ballot vote at a town election in 1958. The authority of the Town to sand and plow private streets is subject to the appropriation of such funds by town meeting. Brackett also commented on the Selectmen's policy from 1995 which prohibits the Highway Department from sanding or plowing subdivision roads which are still under construction and/or have not been accepted at town meeting; the question of amending the policy; the question of using the bond money for snow plowing costs; and the procedure which would apply to the completion of Rome Drive.

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Ledoux stated that the Planning Board has not pulled the bond as yet and that the developer is still responsible for the winter maintenance. Ledoux will draft a letter to the developer informing him that snow plowing of Rome Drive is his responsibility.

The Board was concerned with the safety of the neighborhood. Barrett stated that he could send a snow plow to Rome Drive in the case of a life emergency. Barrett was concerned with setting a precedent by maintaining the roadway. Barrett also stated that he would need to review an interim as-built plan to determine the cost of finishing the roadway. Barrett asked for additional time to gather more information and bring the matter back before the Board.

The Board asked Ledoux to send a letter to the contact person for the neighborhood to notify them to hire a private snow plow contractor until this issue is resolved. Romeo asked that a coordinated meeting be scheduled on Tuesday December 2, 2003, with the Selectmen, Planning Board, Town Counsel, Ledoux, Barrett and the residents of Rome Drive to address the issues.

Licenses/Permits

Request to Place Menorah on Town Common and Hold Lighting Event, December 21, 2003, 5:00-6:00 PM, Nashoba Valley Jewish Center. Rabbi Mayshe Schwartz was present. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Jefferies), to approve.**

Wedding Reception – St. Catherine’s Church, Church Hall, One Day Beer & Wine License - November 28, 2003, 5:30-10:30 PM, James K. Mayol. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Jefferies), to approve.**

Board Appointments

Re-appointment of Madonna McKenzie to Community Teamwork Incorporated. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Jefferies), to re-appoint Madonna McKenzie to Community Teamwork Incorporated as the Board of Selectmen liaison.**

Franklin Property

No report at this time.

Brookside Mill

Ledoux reported that the fire safety issues are being resolved. Ledoux also reported that he and Christine Pude, Housing Authority Director, met with DHCD recently regarding the State funding for this project. Rather than the funding going to Brookside Mill LLC, DHCD will provide funding in the amount of \$120,000 to the Housing Authority as a grant.

Minutes

It was moved by Silva, seconded by Loiselle, and VOTED 3 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin) and 1 ABSENT (Jefferies), to approve the minutes of October 7, 2003 regular session.

It was moved by Loiselle, seconded by Silva, and VOTED 3 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin) and 1 ABSENT (Jefferies), to approve the minutes of October 7, 2003, executive session but NOT release to the public.

Correspondence

11.1 Letter from Norfolk Ram Group – re: Greystone Convenience re: Immediate Response Action for Private Drinking Water Well Sampling. The Board requested a report from the Board of Health.

11.10 Letter of Resignation from Jean Schott, Westford Cultural Council. Ledoux to advertise the opening and to send a letter of appreciation to Schott.

11.11 Letter from Comcast re: Town of Westford License Renewal. Romeo requested a report from Dave Levy, Chairman of the Cable Advisory Committee, regarding the license at the next meeting. Ledoux will speak to Town Counsel regarding whether the discussion should be in regular session or executive session. Silva reported that the Committee amended the license to continue for another year with the capability of 5 more years to extend before a new license is needed. Silva pointed out that due to the new system recently being in place there has been no time to do a customer assessment. Silva stated that the sample license takes away some of the perks and makes the communities responsible for the operation of the cable access studios. The Cable Advisory Committee was strongly opposed to the suggestion. Healy-Coffin asked Ledoux to send a letter to Ron Travers, Manager of Government and Community Relations for Comcast, informing him that pursuant to the Cable Advisory Committee, the license can be extended to 2009 and that the Town needs time to determine how the new customers are faring and to also determine what the Town's options are. Silva to review the draft letter.

Board Reports/Updates

Rustlick Property, 10 N. Main Street – Ledoux reported that the Town has been approached by the owner of 10 N. Main Street seeking to donate the property to the Town. Ledoux stated that 10 N. Main Street is a Tier 2 site and that the owner is willing to share the environmental information with the Town. Ledoux is currently in the process of obtaining more information on the site and will keep the Board updated. Healy-Coffin suggested using the property to offset the \$6M deficient. Healy-Coffin also suggested taking an inventory of all town-owned property to determine what, if any, can be sold. Ledoux announced that he will be presenting a budget forum in January.

Reid Farm Barn – Romeo reported that the Reid Farm barn on Littleton Road was successfully moved on Sunday, November 17, 2003 to the Floral Arts site. Romeo thanked everyone who worked to make the move possible.

Stony Brook School Dedication – Romeo reported on the dedication held on Sunday, November 17, 2003.

Affordable Housing Plan – Romeo reported that the Affordable Housing Plan is moving forward. A kick-off is planned for January 12, 2004 at 7:00 p.m., location to be announced.

Northern Middlesex Council of Governments – Silva reported that NMCOG has been approached by the Home Consortium to be an analyst/advisor regarding HUD funding directly from the federal government. The City of Lowell will probably be the lead entity. NMCOG will look into possibly being an analyst for the communities.

Mill Overlay District – Romeo referenced a recent editorial in the *Boston Globe* newspaper. Romeo stated that Westford is being used as a model for the State regarding the Mill Conversion Overlay District.

Cable Advisory Committee – Silva reported that Comcast recently petitioned the Department of Energy to increase their tier rates. The CAC petitioned to intervene in the process and went to Boston to present questions. The State government is asking lots of questions of Comcast during the discovery process. Silva stated that he was pleased with the process.

Selectmen to Appoint Stepinski Land Acquisition Negotiating Committee

Romeo reported that the Selectmen met as guests of the Stepinski Land Acquisition Committee (SLAC) on Tuesday, November 11, 2003 regarding the approach to move forward. It was determined to form the Stepinski Land Acquisition Negotiating Committee and move forward with the directives from Town Meeting and the Stepinski Land Acquisition Committee. Romeo reminded everyone that the vote on Town Meeting floor directed the Town to do its best to acquire the Stepinski property. Romeo pointed out that the committee has worked diligently to get to this point. Ledoux suggested that the negotiating committee have fewer members and that the Town Manager and the Assistant Town Manager be the negotiators with the Stepinski team and have advice and guidance from the Stepinski Land Acquisition Negotiating Committee. The Town Manager and the Assistant Town Manager would report back to the Negotiating Committee and the Selectmen periodically. Jefferies stated that he liked the idea of Ledoux and Khumalo doing the negotiating with the current committee rather than a new committee and also suggested that Healy-Coffin be involved because of her experience with Stony Brook.

Healy-Coffin indicated that she would be happy to join the negotiating committee. Loiselle felt that Ledoux and Khumalo were a good solution for the negotiations. Silva agreed that it was a good compromise.

Andrea Peraner-Sweet, Co-Chairman of SLAC, stated that the committee was working under the premise of Ledoux and Khumalo as negotiators. Peraner-Sweet asked that the list of members for the negotiating committee be officially accepted tonight.

It was moved by Healy-Coffin, seconded by Silva for discussion, to form the Stepinski Land Acquisition Negotiating Committee.

Marian Harman, 10 Chamberlain Road, thanked SLAC for their hard work, diligent research and public forums prior to town meeting. Harman felt that SLAC should move forward and that there was no need for another subcommittee. Harman stated that she heard that the original committee tipped its hand to Stepinski about what they want to do with the land. Harman stated that by the Selectmen seeming to take control, the Stepinski family might be concerned that the Selectmen may have other ideas for the land and look for more money. Jefferies noted that town meeting voted for the Selectmen to get involved. Jefferies also pointed out that at town meeting the Selectmen said that they had no other designs on this property.

VOTE on Healy-Coffin's motion: Unanimous.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to appoint Leslie Thomas, Andrea Peraner-Sweet, Michael Bonenfant, Paul Alphen, Christie Williams, Jim Silva, Dini Healy-Coffin, Bob Carter, Bob Shaffer (representing the Community Preservation Committee), Steve Ledoux, Norman Khumalo and a member of the Finance Committee (to be determined), to be appointed to the Stepinski Land Acquisition Negotiating Committee.

Executive Session

Discussion of Real Property Negotiations – Stepinski Property – Stepinski Land Acquisition Negotiating Committee present; and Update on Negotiations with IAFF Local 3126. The Board voted to go into executive session at 9:38 p.m. A polling of the Board: Romeo-yes; Jefferies-yes; Healy-Coffin-yes; Loiselle-yes; Silva-yes. The Board to reconvene to regular session for the purpose of adjourning only.

Open Items

11/18-1 Ledoux to send letter to developer of Rome Drive informing him that snow plowing of Rome Drive is his responsibility.

11/18-2 Ledoux to schedule agenda item for Rome Drive discussion with Planning Board, Barrett, Town Counsel, and Rome Drive residents.

11/18-3 Ledoux to send letter to Rome Drive contact person advising the neighbors to hire a private snow plow contractor until issues with Rome Drive are resolved.

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11/18-4 Ledoux to get report from Board of Health re: corr. #11.1 Letter from Norfolk Ram Group re: Greystone Convenience Immediate Response Action for Private Drinking Water Well Sampling.

11/18-5 Ledoux to invite Dave Levy to meeting to discuss Comcast license (in executive session?).

11/18-6 Ledoux to send letter to Ron Travers, Comcast, re: license renewal.

11/18-7 Ledoux to advertise opening on Westford Cultural Council.

11/18-8 Ledoux to send letter of appreciation to Jean Schott re: resignation from Westford Cultural Council.

Reconvene to Regular Session and Adjournment

The Board reconvened to regular session at 10:21 p.m. It was moved by Silva, seconded by Loiselle, and VOTED UNANIMOUSLY, to adjourn the meeting.

Submitted by Beth Kinney, Recording Secretary